

STAFFORD COUNTY SCHOOL BOARD

Agenda Consideration

TOPIC:	Proposed Policy 7-14, Nonresidents	ITEM NO:	9D
PREPARED BY:	Jean S. Murray, Superintendent	MEETING:	February 28, 2006
	Daryl A. Nelson, Executive Director of Administrative & Legal Services	ACTION DATE:	February 28, 2006

ACTION REQUESTED BY THE SUPERINTENDENT:

That the School Board adopt the attached proposed amendments Policy 7-14, Nonresidents.

KEY POINTS:

The proposed amendment to Policy 7-14, Nonresidents, provides specifically in Section D that enrollment of any foreign exchange student is subject to the requirements of federal and state law. The proposed amendment further provides that Stafford County Public Schools does not accept I-20 students. These amendments recognize the significantly changed landscape respecting non-immigrant students and exchange visitors seeking to attend U.S. public schools.

By practice Stafford County Public Schools has not accepted any I-20 student since the mid 1990's. Participating schools in the I-20 program must: be certified and approved by the U.S. Department of State and U.S. Department of Homeland Security; charge and collect full un-subsidized tuition from the student; pay a fee to the U.S. Department of State for each school certified to accept I-20 students; collect, enter and update information concerning the I-20 student and the student's sponsor in the Department of Homeland Security Student and Exchange Visitor Information System; and, report non-compliance of any I-20 student with requirements of law.

SCHOOL BOARD GOAL: (Goal 7) Provide school environments where teachers are safe to teach and students are safe to learn.

FUNDING SOURCE: N/A

AUTHORIZATION REFERENCE: Bylaw 1-32, Policy Adoption, Amendment and Suspension

STUDENTS**Nonresidents****A. Generally**

No child whose parent or legal guardian is not a bona fide resident of Stafford County shall be permitted to enroll in the Stafford County Public Schools, unless and except the child shall be:

1. assigned to the division by a state agency serving as custodian;

2. a foreign exchange student;

3. enrolled as a nonresident student on or before November 14, 1995; or

4. the natural or adoptive child of a licensed staff member who has been continuously employed without interruption and on a full-time basis by Stafford County Public Schools since on or before May 23, 1989.

In the event the employment of the parent with SCPS shall cease or be interrupted the enrollment of the nonresident child shall be terminated.

Notwithstanding the foregoing, no nonresident child who, as of November 14, 1995, is enrolled in elementary school, shall be permitted to continue enrollment in Stafford County Public Schools beyond the final grade of elementary school, unless the child shall be the natural or adoptive child of a licensed staff member who has been continuously employed without interruption on a full-time basis by SCPS since on or before May 23, 1989, or has been assigned to the division by a state agency serving as custodian.

A nonresident child who, as of November 14, 1995, is enrolled in either the middle school or the high school shall be permitted to continue enrollment in Stafford County Public Schools through graduation from high school.

The enrollment of any nonresident child, regardless of grade and school assignment or the time of school year, shall be terminated, without the possibility of re-enrollment, upon the child: graduating; being expelled, being otherwise ineligible to receive further services; becoming emancipated; obtaining the age of 20 years on or before August 1; or withdrawing from or otherwise terminating enrollment in the division schools for any cause whatsoever, voluntarily or involuntarily, including but not limited to, withdrawal due to absenteeism as defined in Department of Education regulations.

B. Tuition.

Tuition shall be charged all nonresident students, except students assigned to the division by a state agency serving as custodian, foreign exchange students of J-1 status and other foreign students likewise not required to pay tuition by federal or state law, and students who are the children of licensed personnel who have remained continuously employed without interruption on a full-time basis by Stafford County Public Schools since on or before May 23, 1989. Tuition, shall be established annually and (with the exception of that which is charged to foreign exchange students) will be based on local costs as provided in the Code of Virginia. Tuition for foreign exchange students, except for foreign exchange students of J-1 status and other foreign students not required to pay tuition pursuant to Public Law 104-208 or other federal or state law, shall be an amount equal to the full unsubsidized per capita cost of education and shall reflect the actual cost to state and local taxpayers of educating the foreign student. Tuition must be paid prior to the beginning of each semester. Foreign exchange students of J-1 status and other foreign exchange students likewise not required to pay tuition pursuant to federal or state law shall not be charged tuition.

C. State Welfare or Institutionalized Students

Welfare or institutionalized students assigned to this division by a State agency serving as custodian of these students shall be allowed to enroll and attend without tuition charges.

D. Foreign Exchange Students

Foreign exchange students may be accepted on a tuition basis with the approval of the Superintendent, or his/her designee, subject to federal and state law. Tuition shall be charged in an amount equal to the full unsubsidized per capita cost of education unless the student is not required to pay tuition pursuant to Public Law 104-208 or other federal or state law. Exchange students will be admitted only through an approved foreign exchange agency/program. Approved agencies/programs will be those listed in The Advisory List of International Education Travel and Exchange Programs published annually by the Council on Standards for International Educational Travel ~~or through the U.S. Department of Justice Immigration and Naturalization Service I-20 Program.~~ The division does not accept students of I-20 status.

The number of foreign exchange students enrolled shall be limited to not more than five (5) per school per academic year. Applications from foreign exchange students, and/or foreign exchange student agencies on behalf of such students, for enrollment in a particular school shall be submitted with sufficient lead time so that the application is

received by the school principal not later than the 1st day of July preceding the anticipated date of enrollment. In the event that the number of applicants exceeds five for a particular school, the principal shall determine the selectees upon such criteria as the principal deems appropriate. The principal may decline to enroll any foreign exchange student in the event that the principal deems it to be in the best interest of the school or the student. Any exchange student once having elected to enroll in classes on an audit basis may not thereafter convert to a credit status.

Editor's Note

See also division regulation at #R7-14.

Legal Reference: Through June 30, 2006

Code of Va., §22.1-5. Regulations concerning admission of certain persons to schools; tuition charges. -- A. Consistent with Article VIII, Section 1 of the Constitution of Virginia, no person may be charged tuition for admission or enrollment in the public schools of the Commonwealth, whether on a full-time or part-time basis, who meets the residency criteria set forth in § 22.1-3. No person of school age shall be charged tuition for enrollment in a general education development or alternative program offered as a regional or divisionwide initiative by the local school division in which such person is deemed to reside pursuant to § 22.1-3. Further, no person of school age shall be denied admission or charged tuition when (i) such person's custodial parent has been deployed outside the United States as a member of the Virginia National Guard or as a member of the United States Armed Forces; (ii) such person's custodial parent has executed a Special Power of Attorney under Title 10, United States Code, § 1044b providing for the care of the person of school age by an individual who is defined as a parent in § 22.1-1 during the time of his deployment outside the United States; and (iii) such person has been attending a public school in this Commonwealth while residing with his custodial parent. The person of school age shall be allowed to attend a school in the school division in which the individual providing for his care, pursuant to the Special Power of Attorney under Title 10, United States Code, § 1044b, resides or, when practicable, to continue to attend the school in which he was enrolled while residing with his custodial parent.

The following persons may, however, in the discretion of the school board of a school division and pursuant to regulations adopted by the school board, be admitted into the public schools of the division and may, in the discretion of the school board, be charged tuition:

1. Persons who reside within the school division but who are not of school age.

2. Persons of school age who are residents of the Commonwealth but who do not reside within the school division, except as provided in this section.

3. Persons of school age who are attending school in the school division pursuant to a foreign student exchange program approved by the school board.

4. Persons of school age who reside beyond the boundaries of the Commonwealth but near thereto in a state or the District of Columbia which grants the same privileges to residents of the Commonwealth.

5. Persons of school age who reside on a military or naval reservation located wholly or partly within the geographical boundaries of the school division and who are not domiciled residents of the Commonwealth of Virginia; however, no person of school age residing on a military or naval reservation located wholly or partly within the geographical boundaries of the school division may be charged tuition if federal funds provided under P.L. 874 of 1950, commonly known as Impact Aid, shall fund such students at not less than 50 percent of the total per capita cost of education, exclusive of capital outlay and debt service, for elementary or secondary pupils, as the case may be, of such school division.

6. Persons of school age who, as domiciled residents of the Commonwealth who were enrolled in a public school within the school division, are required as a result of military or federal orders issued to their parents to relocate and reside on federal property in another state or the District of Columbia, if the school division subsequently enrolling such persons is contiguous to such state or District of Columbia.

7. Persons of school age who reside in the school division and who are enrolled in summer programs, exclusive of required remediation as provided in § 22.1-253.13:1, or in local initiatives or programs not required by the Standards of Quality or the Standards of Accreditation.

For the purposes of determining the residency of persons described in subdivisions 1 and 2 of this subsection, local school boards shall adopt regulations consistent with the residency requirements regarding persons residing in housing or temporary

shelter, or on property located in multiple jurisdictions, as articulated in § 22.1-3.

B. Persons of school age who are not residents of the Commonwealth but are living temporarily with persons residing within a school division may, in the discretion of the school board and pursuant to regulations adopted by it, be admitted to the public schools of the school division. Tuition shall be charged such persons.

C. No tuition charge authorized or required in this section shall exceed the total per capita cost of education, exclusive of capital outlay and debt service, for elementary or secondary pupils, as the case may be, of such school division and the actual, additional costs of any special education or gifted and talented program provided the pupil, except that if the tuition charge is payable by the school board of the school division of the pupil's residence pursuant to a contract entered into between the two school boards, the tuition charge shall be that fixed by such contract.

D. School boards may accept and provide programs for students for whom English is a second language who entered school in Virginia for the first time after reaching their twelfth birthday, and who have not reached 22 years of age on or before August 1 of the school year. No tuition shall be charged such students, if state funding is provided for such programs.

(Code 1950, §§ 22-218.3, 22-219, 22-220; 1958, c. 628; 1959, Ex. Sess., c. 81, § 1; 1964, c. 192; 1968, c. 178; 1976, cc. 681, 713; 1978, c. 140; 1980, c. 559; 1981, c. 342; 1993, c. 293; 1994, c. 887; 1999, cc. 394, 443, 465, 988; 2000, c. 253; 2004, c. 967.)

Code of Va., §22.1-101.1. Increase of funds for certain nonresident students; how increase computed and paid; billing of out-of-state placing agencies or persons. -- A. To the extent such funds are appropriated by the General Assembly, a school division shall be reimbursed for the cost of educating a child who is not a child with disabilities and who is not a resident of such school division under the following conditions:

1. When such child has been placed in foster care or other custodial care within the geographical boundaries of the school division by a Virginia agency, whether state or local, which is authorized under the laws of this Commonwealth to place children;

2. When such child has been placed within the geographical boundaries of the school division in an orphanage or children's home which exercises legal guardianship rights; or

3. When such child, who is a resident of Virginia, has been placed, not solely for school purposes, in a child-caring institution or group home licensed under the provisions of Chapter 10 (§63.1-195 et

seq.) of Title 63.1 which is located within the geographical boundaries of the school division.

B. To the extent such funds are appropriated by the General Assembly, a school division shall be reimbursed for the cost of educating a child with disabilities who is not a resident of such school division under the following conditions:

1. When the child with disabilities has been placed in foster care or other custodial care within the geographical boundaries of the school division by a Virginia agency, whether state or local, which is authorized under the laws of this Commonwealth to place children;

2. When such child with disabilities has been placed within the geographical boundaries of the school division in an orphanage or children's home which exercises legal guardianship rights; or

3. When such child with disabilities, who is a resident of Virginia, has been placed, not solely for school purposes, in a child-caring institution or group home licensed under the provisions of Chapter 10 (§63.1-195 et seq.) of Title 63.1 which is located within the geographical boundaries of the school division.

C. Each school division shall keep an accurate record of the number of days which any child, identified in subsection A or B above, was enrolled in its public schools, the required local expenditure per child, the handicapping condition, if applicable, the placing agency or person and the jurisdiction from which the child was sent. Each school division shall certify this information to the Board of Education by July 1 following the end of the school year in order to receive proper reimbursement. No school division shall charge tuition to any such child.

D. When a child who is not a resident of Virginia, whether disabled or not, has been placed by an out-of-state agency or a person who is the resident of another state in foster care or other custodial care or in a child-caring institution or group home licensed under the provisions of Chapter 10 of Title 63.1 located within the geographical boundaries of the school division, the school division shall not be reimbursed for the cost of educating such child from funds appropriated by the General Assembly. The school division in which such child has been enrolled shall bill the sending agency or person for the cost of the education of such child as provided in subsection C of §22.1-5.

The costs of the support and maintenance of the child shall include the cost of the education provided by the school division; therefore, the sending agency or person shall have the financial responsibility for the educational costs for the child pursuant to Article V of the Interstate Compact on the Placement of Children as set forth in Chapter 10.1 (§63.1-219.1 et. seq.) of Title 63.1. Upon

receiving the bill for the educational costs from the school division, the sending agency or person shall reimburse the billing school division for providing the education of the child. Pursuant to Article III of the Interstate Compact on the Placement of Children, no sending agency or person shall send, bring, or cause to be sent or brought into this Commonwealth any child for placement unless the sending agency or person has complied with this section by honoring the financial responsibility for the educational cost as billed by a local school division. (1988, c. 101; 1992, cc. 837, 880; 1994, c. 854.)

Code of Va., §22.1-255. Nonresident children. -- "Any person who has residing with him for a period of sixty days or more, any child within the ages prescribed in §22.1-254 whose parents or guardians reside in another state or the District of Columbia shall be subject to the provisions of §22.1-254 and shall pay or cause to be paid any tuition charges for such child that may be required pursuant to §22.1-5 or shall return such child to the home of his parents or legal guardians." (1980)

Public Law 100-77 (July 22, 1987) at Subtitle B - "Education for Homeless Children and Youth."

Public Law 104-208, "The Illegal Immigration Reform and Immigrant Responsibility Act of 1996."

Public Law 107-56, The U.S.A. PATRIOT Act

Adopted by School Board: March 24, 1987
Amended by School Board: May 23, 1989
Amended by School Board: July 14, 1992
Amended by School Board: November 14, 1995
Amended by School Board: September 24, 1996
Amended by School Board: July 8, 1997
Amended by School Board: October 14, 1997
Amended by School Board: January 9, 2001
Amended by School Board:

Board Review: February 14, 2006 Staff Review: February 14, 2006 Responsible Department: Administrative & Legal Services
